

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:14cv543

WILLETTE THOMAS,                     )  
  )  
          Plaintiff,                     )  
  )  
vs.   )  
  )  
  )  
CAROLYN W. COLVIN,                 )  
Acting Commissioner of Social       )  
Security,                                )  
  )  
          Defendant.                    )  
\_\_\_\_\_)

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate David C. Keesler, filed March 8, 2016. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. It appears to the court that the parties have not filed any such objections.

After an independent and thorough review of the magistrate's memorandum, the court concludes that there is no clear error on the face of the record and that the recommendation to deny Plaintiff's Motion for Summary Judgment, deny the Defendant's Motion for Summary Judgment, vacate the Commissioner's determination, and remand for a new hearing is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, Plaintiff's Motion for Summary Judgment is DENIED, and the Defendant's Motion for Summary Judgment is likewise DENIED. The Commissioner's decision is hereby VACATED and this matter is hereby REMANDED for a new hearing.

IT IS THEREFORE ORDERED that the memorandum and recommendation of the  
magistrate is hereby AFFIRMED.

Signed: May 9, 2016

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

